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CRB 550

COMPLAINT BY A PRISONER UNDER THE CIVIL RIGHTS ACT, 42 U.S.C §§ 1983

Name RUTLEDGE, EUGENE
 (Last) (First)

Prisoner Number CDC # F-79385 ; ALAMEDA COUNTY PFN AWH578

Institutional Address SAN QUENTIN STATE PRISON, SAN QUENTIN, CA 94974

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

EUGENE DARRYL RUTLEDGE
 (Enter the full name of plaintiff in this action.)

vs.

ALAMEDA COUNTY SUPERIOR
COURT, OAKLAND, JULEE CONGER,
SUPERIOR COURT JUDGE.

(Enter the full name of the defendant(s) in this action)

Case No. 07 4093
 (To be provided by the Clerk of Court)

COMPLAINT UNDER THE **CRB**
 CIVIL RIGHTS ACT,
 Title 42 U.S.C § 1983

(PR)

[All questions on this complaint form must be answered in order for your action to proceed..]

I. Exhaustion of Administrative Remedies.

[**Note:** You must exhaust your administrative remedies before your claim can go forward. The court will dismiss any unexhausted claims.]

- A. Place of present confinement SAN QUENTIN STATE PRISON
SAN QUENTIN, CA.
 B. Is there a grievance procedure in this institution?

YES (X) NO ()

- C. Did you present the facts in your complaint for review through the grievance procedure?

YES () NO (X)

- D. If your answer is YES, list the appeal number and the date and result of the appeal at each level of review. If you did not pursue a certain level of appeal, explain why.

COMPLAINT

- 1 -

1. Informal appeal N/A

2. First formal level N/A

3. Second formal level N/A

4. Third formal level N/A

E. Is the last level to which you appealed the highest level of appeal available to you?

YES (X) NO ()

F. If you did not present your claim for review through the grievance procedure, explain why. IN THIS CLAIM GRIEVANCE PROCEDURES ARE NOT APPLICABLE AND I PURSUE THROUGH WRIT OF HABEAS CORPUS PETITION IN THE CALIFORNIA COURT OF APPEAL, NO. A117294.

II. Parties.

A. Write your name and your present address. Do the same for additional plaintiffs, if any.

EUGENE DARREL BUTLER, SAN QUENTIN STATE PRISON, SAN QUENTIN, CA 94974.

B. Write the full name of each defendant, his or her official position, and his or her place of employment.

ALAMEDA COUNTY SUPERIOR COURT, OAKLAND, CA.

JULIE CONGER, SUPERIOR COURT JUDGE, ALAMEDA COUNTY SUPERIOR COURT, OAKLAND, CA, RENE C. DAVIDSON COURTHOUSE, 1225 FALLON ST., OAKLAND, CA, 94612.

III. Statement of Claim.

State here as briefly as possible the facts of your case. Be sure to describe how each defendant is involved and to include dates, when possible. Do not give any legal arguments or cite any cases or statutes. If you have more than one claim, each claim should be set forth in a separate numbered paragraph.

ON MARCH 13, 2007 AND ON MARCH 14, 2007 ALAMEDA COUNTY SUPERIOR COURT JUDGE JULIE CONGER WAS MOTIONIED BY PLAINTIFF TO DISQUALIFY HERSELF FOR REASONS OF GOOD-FAITH BIASNESS THAT PLAINTIFF PRESUMED EXISTED FROM PREVIOUS INTER ACTION WITH THE DEFENDANT JUDGE JULIE CONGER ON JULY 31, 2006 MARDEN HEARING OF CASE NO 152773. THE DEFENDANT WAS TIMELY REQUESTING TO DISQUALIFY HERSELF OFF CASE NO. 154409 ON BOTH MARCH 13, 2007 AND MARCH 14, 2007. THE DEFENDANT DENIED THE REQUEST WHERE A STRONG GOOD-FAITH BIASNESS IS EVIDENT AND THE PURPOSELY DENIED PLAINTIFF HIS DUE PROCESS RIGHT UNDER THE U.S. CONSTITUTION AND CALIFORNIA CODE OF CIVIL PROCEDURES. PLAINTIFF SUFFERS DEPRIVEMENT OF THE DEFENDANT'S ACTIONS

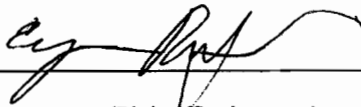
IV. Relief.

Your complaint cannot go forward unless you request specific relief. State briefly exactly what you want the court to do for you. Make no legal arguments; cite no cases or statutes.

PLAINTIFF SEEKS INJUNCTIVE RELIEF AND DECLARATORY RELIEF TO ORDER THE DEFENDANT TO DISQUALIFY HERSELF AND NULL AND VOID ANY ACTIONS OF THE DEFENDANT IN CASE NO. [#]154409

1 ALAMEDA COUNTY SUPERIOR COURT, OAKLAND. AND PLAINTIFF ALSO
2 ~~SEEKS~~ AN ORDER FOR THE WRITTEN RECORD OF MARCH 13, 2007
3 MARCH 14, 2007 MADE AVAILABLE TO PLAINTIFF AND THIS COURT
4 BECAUSE OF DEFENDANT'S APPOINTED COUNSEL ACTIONS, WHO REPRESENTED
5 PLAINTIFF (SEE ATTACHED EXHIBIT) ALSO FOR ALL PAPERS RELATED TO PLAINTIFF.
6 I declare under penalty of perjury that the foregoing is true and correct.

7 Signed this 28TH day of July, 20 07

8
9 

10 (Plaintiff's signature)

Alameda County Public Defender

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1401 Lakeside Drive, Suite 400
Oakland, California 94612-4305
(510) 272-6600



Diane A. Bellas
Public Defender
Harold G. Friedman
Chief Assistant

July 25, 2007
File No. 006-11700

CONFIDENTIAL: ATTORNEY/CLIENT CORRESPONDENCE

Eugene Darrel Rutledge
CDC No.: F79385
San Quentin State Prison
San Quentin, CA 94964

RE: Alameda County Superior Court
Rene C. Davidson Courthouse Docket No. 154409

Dear Mr. Rutledge:

I do not have the transcripts of the court proceedings on the March dates that you have requested. I do not have any transcripts of the jury trial proceedings. Those transcripts will be prepared for your appellate attorney. If you decline an attorney on appeal, my understanding is that the transcripts will be prepared for you if you proceed in pro per status.

Sincerely,

ALAMEDA COUNTY PUBLIC DEFENDER

A handwritten signature in black ink, appearing to read "Andrea Auer", is written over a horizontal line.

Andrea Auer
Attorney at Law

AA/kr